

#11  
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Ext. (2 mos.)  
10/23/02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Christine D. Krempf et al.

RECEIVED

OCT 22 2002

TECH CENTER 1600/2900

Serial No.: 09/887,469

Group Art Unit: 1648

Filing Date: June 22, 2001

Examiner: S.S. Brown

**For: RESPIRATORY SYNCYTIAL VIRUS VACCINES EXPRESSING  
PROTECTIVE ANTIGENS FROM PROMOTER-PROXIMAL GENES**EXPRESS MAIL LABEL NO: EV166861365US  
DATE OF DEPOSIT: October 15, 2002Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

This paper is filed in response to the Restriction Requirement dated **July 16, 2002**, the period for response expiring **August 16, 2002**. A petition for an extension of time for one (2) months through **October 16, 2002**, and the appropriate fee, accompany this response.

**REMARKS**

Claims 1-207 are pending. In the Restriction Requirement, claims 1-207 were restricted into the following ten groups:

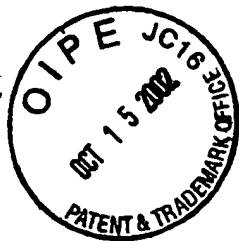
I. Claims 1-67, 96-99 and 109-114, drawn to an isolated infectious recombinant

RSV having a shifted gene, classified in class 424, subclass 211.1.

- Further restriction is required if Group I is elected. Applicant must elect either human or bovine displacement polynucleotides from claim 6.

II. Claims 68-93 and 115-123, drawn to a chimeric RSV having a shifted gene,

classified in class 424, subclass 199.1.



10-17-02

DOCKET NO.: NIH-0130

1648  
PATENT

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Sir:

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ A Response to Restriction/Election Requirement, responsive to the Office Action  
Dated July 16, 2002.
- ☐ Appended Material as follows:
- ☐ Other Material as follows:

## FEE CALCULATION

☐ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMEN T	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIM S	77	207 (20 MINIMUM)		\$9 EACH	\$	\$18 EACH	\$
INDEP. CLAIM S	1	5 (3 MINIMUM)		\$42 EACH	\$	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$	\$400	\$ 400
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$400

☐ A Check is Enclosed in the Foregoing Amount Due.

☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **August 16, 2002** to and through **October 16, 2002** comprising an extension of the shortened statutory period of two (2) months.

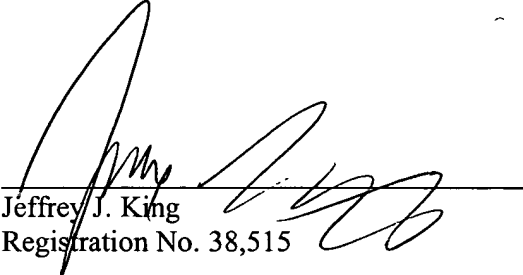
☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The

Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☒ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: October 15, 2002

  
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